

Pending

AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. 1805

To

AMENDMENT No. 2623con-
, or
sult-

By

Campbell - others

To:

S. 1805

Ref

6
Page(s)

GPO: 2002 83-247 (Mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CAMPBELL

Viz:

1 On page 11, after line 19, add the following:

2 **SEC. 5. LAW ENFORCEMENT OFFICERS SAFETY ACT.**

3 (a) SHORT TITLE.—This section may be cited as the

4 "~~Law Enforcement Officers Safety Act of 2004~~"

5 (b) EXEMPTION OF QUALIFIED LAW ENFORCEMENT

6 OFFICERS FROM STATE LAWS PROHIBITING THE CAR-

7 RYING OF CONCEALED FIREARMS.—

*(Leahy)**Hatch, Dewine,
Sessions, Craig**Steve Young Law
Enforcement
Officers
Safety Act"*

1 (1) IN GENERAL.—Chapter 44 of title 18,
2 United States Code, is amended by inserting after
3 section 926A the following:

4 **“§ 926B. Carrying of concealed firearms by qualified**
5 **law enforcement officers**

6 “(a) Notwithstanding any other provision of the law
7 of any State or any political subdivision thereof, an indi-
8 vidual who is a qualified law enforcement officer and who
9 is carrying the identification required by subsection (d)
10 may carry a concealed firearm that has been shipped or
11 transported in interstate or foreign commerce, subject to
12 subsection (b).

13 “(b) This section shall not be construed to supersede
14 or limit the laws of any State that—

15 “(1) permit private persons or entities to pro-
16 hibit or restrict the possession of concealed firearms
17 on their property; or

18 “(2) prohibit or restrict the possession of fire-
19 arms on any State or local government property, in-
20 stallation, building, base, or park.

21 “(c) As used in this section, the term ‘qualified law
22 enforcement officer’ means an employee of a governmental
23 agency who—

24 “(1) is authorized by law to engage in or super-
25 vise the prevention, detection, investigation, or pros-

1 ecution of, or the incarceration of any person for,
2 any violation of law, and has statutory powers of ar-
3 rest;

4 “(2) is authorized by the agency to carry a fire-
5 arm;

6 “(3) is not the subject of any disciplinary action
7 by the agency;

8 “(4) meets standards, if any, established by the
9 agency which require the employee to regularly qual-
10 ify in the use of a firearm; and

11 “(5) is not prohibited by Federal law from re-
12 ceiving a firearm.

13 “(d) The identification required by this subsection is
14 the photographic identification issued by the governmental
15 agency for which the individual is, or was, employed as
16 a law enforcement officer.

17 “(e) DEFINED TERM.—As used in this section, the
18 term ‘firearm’ does not include—

19 “(1) any machinegun (as defined in section
20 5845 of title 26);

21 “(2) any firearm silencer (as defined in section
22 921); and

23 “(3) any destructive device (as defined in sec-
24 tion 921).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for chapter 44 of title 18, United States Code,
3 is amended by inserting after the item relating to
4 section 926A the following:

 “926B. Carrying of concealed firearms by qualified law enforcement officers.”.

5 (c) EXEMPTION OF QUALIFIED RETIRED LAW EN-
6 FORCEMENT OFFICERS FROM STATE LAWS PROHIBITING
7 THE CARRYING OF CONCEALED FIREARMS.—

8 (1) IN GENERAL.—Chapter 44 of title 18,
9 United States Code, is amended by inserting after
10 section 926B, as added by subsection (b), the fol-
11 lowing:

12 **“§ 926C. Carrying of concealed firearms by qualified**
13 **retired law enforcement officers**

14 “(a) Notwithstanding any other provision of the law
15 of any State or any political subdivision thereof, an indi-
16 vidual who is a qualified retired law enforcement officer
17 and who is carrying the identification required by sub-
18 section (d) may carry a concealed firearm that has been
19 shipped or transported in interstate or foreign commerce,
20 subject to subsection (b).

21 “(b) This section shall not be construed to supersede
22 or limit the laws of any State that—

23 “(1) permit private persons or entities to pro-
24 hibit or restrict the possession of concealed firearms
25 on their property; or

1 “(2) prohibit or restrict the possession of fire-
2 arms on any State or local government property, in-
3 stallation, building, base, or park.

4 “(c) As used in this section, the term ‘qualified re-
5 tired law enforcement officer’ means an individual who—

6 “(1) retired in good standing from service with
7 a public agency as a law enforcement officer, other
8 than for reasons of mental instability;

9 “(2) before such retirement, was authorized by
10 law to engage in or supervise the prevention, detec-
11 tion, investigation, or prosecution of, or the incarceration
12 of any person for, any violation of law, and
13 had statutory powers of arrest;

14 “(3)(A) before such retirement, was regularly
15 employed as a law enforcement officer for an aggre-
16 gate of 15 years or more; or

17 “(B) retired from service with such agency,
18 after completing any applicable probationary period
19 of such service, due to a service-connected disability,
20 as determined by such agency;

21 “(4) has a nonforfeitable right to benefits under
22 the retirement plan of the agency;

23 “(5) during the most recent 12-month period,
24 has met, at the expense of the individual, the State’s

1 standards for training and qualification for active
2 law enforcement officers to carry firearms; and

3 “(6) is not prohibited by Federal law from re-
4 ceiving a firearm.

5 “(d) The identification required by this subsection is
6 photographic identification issued by the agency for which
7 the individual was employed as a law enforcement officer.

8 “(e) DEFINED TERM.—As used in this section, the
9 term ‘firearm’ does not include—

10 “(1) any machinegun (as defined in section
11 5845 of title 26);

12 “(2) any firearm silencer (as defined in section
13 921); and

14 “(3) a destructive device (as defined in section
15 921).”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions for chapter 44 of title 18, United States Code,
18 is amended by inserting after the item relating to
19 section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-
cers.”.